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Small amount of NEW MEXICO DEVELOPMENT CO.'S STOCK; also a few shares NEW MEXICO RAIL-WAY at a reasonable figure.

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#### PERSONALS.

J. E. Williams, publisher of the Scranton City Directory, is in town Dr. Anna Clarke, of 426 Adams avenue returned from a vacation trip to Rev. J. S. Wrightnour, of Oil City, is the

guest of Mr. and Mrs. David C. Williams, of Lazerne street.

Rev. Albert H. Smith, of the North Main Avenue Baptist church, who has been at his home in Virginia for the past eighteen days, will be in his pulpit next Sabbath, Oct. 5, morning and evening.

#### Piano Tuning.

H. K. Zerbe, 507 Prescott avenue, New 'phone 1954.

#### They Pay the User.

If you wish a half-tone or line cut, let the Scranton Tribune make it for you. Our equipment for this work is complete and up-to-date. We have facilities for doing the finest sort of work at lowest prices and what's more, we do it. A trial order will convince

#### Schriever's Babies Wear Gold Necklaces.

That is, the babies who are photographed at the Gold Medal Studio, re-ceive these dainty golden souvenirs,

Dr. Lindabury, Surgeon, diseases of women a specialty, 215 Connell building. Hours: 11 a. m. to 4 p. m.; 7 to 8.30

Take Throop or Carbondale car for soldiers' camp at Olyphant.

#### Next Sunday Is the Day

The N. Y., O. & W. R. R. Co. will run its annual foliage excursion to Hancock, N. Y. Tickets, \$1. Train leaves Scranton at 8.30 a. m.

#### Piano Tuning. K. Zerbe, 507 Prescott avenue. New 'phone 1954.

Take Duryea car to see Eighth regi-

ment at Duryea.

### An Duidloh Si Roxxxxxx MANY BILLS

CONTROLLER TAKES ADVICE OF HIS OWN LAWYER.

In a Communication Sent to Select Council, Controller Costello Expresses a Wish to Have the Matter Decided by Court, a Wish Which Council Decided to Gratify-The City Solicitor's Advice Disregarded. Mr. Chittenden Says Transfers Are a Gift from Railway Company.

City Controller P. W. Costello sent a lengthy communication to select coun-cil last night, explaining that, acting under the advice of his personal counsel, he has refused to approve of certain bills contracted by the department of public works and department of law, and expressing a desire to have the soundness of his objections to these bills passed upon by court. The communication was as follows:

Scranton, Pa., Oct. 2, 1902. Gentlemen of Councils: Herewith you will find submitted a list of bills or claims against the city which have passe the auditing committee, but which this department, acting under the advice of counsel, deems it advisable not to pay. The reason for withholding payment on these bills is that in our judgment they were contracted without proper authority This department contends that claims of the character of the Mulligan and Richards bills although under \$250 should un der the law be let to the lowest and best bidder and a contract drawn up for the same in the regular manner, and a copy filed in the controller's office. If this method were carried out, contracts could priations as soon as they were certified, and the exact condition of such appropria-tion could at all times be ascertained. On the other hand there might be at any time small contracts of any number standing of which this office would have no knowledge until the presentation of the bill after the completion of the We contend that the only difference in the manner of treating contracts under \$250 and those of greater amount is that in the case of the former public advertisement will be dispensed with. The bill of C. Comegys, esq., is for a legal fee for acting in the capacity of associate counsel for the city in the case of E. B. Sturges vs. the city of Scranton, growing out of the refusal of Mr. Sturges to pay his assessment for the paying of Washington avenue. After consultation with the city solicitor and Judge Vosburg, former city solicitor, both of whom stated that they had not engaged Mr. Comegys, and being of the opinion that they of their own accord had no authority to engage assistant counsel without consent of councils, this department refused to allow the claim. A few days ago Mr. Comegys brought suit against the city before Alderman Ruddy for \$330 and there being practically no defense offered, judgment was obtained for the amount of the claim. This office had no knowledge of suit being brought against the city and consequently had no opportunity of defending its position. I am re liably informed that suits are to be brought for the amounts of the other claims, and in fact I know they are be ing urged by city officials to bring suit against the city in order to obtain judgment. It seems to be that some action ought to be taken in these matters in or der that the interests of the city might be safeguarded. The position or stand taken by this office with reference to bills of the character of Mr. Mulligan's claim has been pretty generally understood from the beginning and backed up by competent legal advice, we feel disposed to maintain that position.

We desire to state, however, that we are perfectly willing, and would be glad of the opportunity of submitting this en tire matter to court and let it be finally decided by the said court what the intent of the law really is with reference to the letting of contracts and purchasing of supplies for cities of the second It is understood that the city shall be at no expense for counsel for the controller. This, in our judgment, is a in which to settle this matter for all time

Very respectfully submitted, P. W. Costello,

#### BILLS OBJECTED TO.

The bills, to the payment of which the controller objects, are as follows: Cornelius Comegys, legal fee, \$315; Spruks Bros., bills for lumber furnished on June 5, June 30 and July 15, \$220, \$149.15 and \$343.60; P. T. Mulligan, paving part of Mattes street, \$114.57; P. T. Mulligan, relaying sidewalks and resetting curbs, \$89.55; J. W. Richards, refinishing fixtures in city hall, \$225; John T. O'Neil, for settees in Nay Aug park, \$183,20. It is understood that City Solicitor

Watson, the accredited legal representative of the city, whose advice, if followed by heads of departments( ref Luzerne street.

Miss Margaret Glbbs entertained the nished the controller with a written Dollar club at her home on South Main opinion two weeks ago, in which he devenue yesterday afternoon. clared that these bills were legal claims Miss Emmet E. Ellis, of Lafayette and should be approved by the contreet, will leave on Monday for an extroller. The latter was not satisfied troller. The latter was not satisfied ended trip to Washington, D. C., and with this advice and secured an opin-ion from Attorney M. J. Martin, in which it was set forth that the bills are not legal claims. It is on this last opinion that the controller is making

Accompanying his communication last night was one from City Solicitor Watson in reference to the Comegys claim Mr. Watson declares, in direct contradiction to the controller, that Mr. Comegys was selected by Judge A. A. Vosburg, at that time city solicitor, to assist him in trying the Sturges case. He says he furnished Controller Costello with an opinion declaring that under a third-class city act the solicitor was authorized to engage extra counsel. This opinion, he says, was disregarded. He asked whether or not he should appeal from the verdict secured by Mr. Comegys, expressing it as his belief that the latter is entitled to a reasonable fee, having tried the case from

#### REGAN'S RESOLUTION.

After both communications had been read, Mr. Regan offered a resolution directing the city solicitor to appeal from the Comegys judgment, and from any other judgments secured by any of the persons whose bills the controller has refused to approve, and authorizing the latter to employ private counsel. This was amended so as to exthe provision providing for an appeal in the Comegys case, and was then passed. A resolution was passed later. specifically directing the city solicitor not to appeal from the Comegys judgment.

Some little discussion was provoked by the report of the railways committee on the resolution directing the Scranton Railway company to issue transfers from the Bellevue to the South Side line and from the South Side line to the Bellevue line. The re-port was an adverse one and was accompanied by an opinion from City Courses sells FRUITED WHEAT. .. Solicitor Watson, which has appeared in these columns before, in which he

## Scranton Conservatory of Music

J. ALFRED PENNINGTON, Director.

#### PIPE ORGAN INSTRUCTION

Superior advantages at the Conservatory. All lessons are given by the Director, pupil of Guilmant, in Paris, and Haupt, in Berlin. The Conservatory is supplied with an excellent practice organ blown by electricity. Advanced students have lessons in Elm Park church.

Terms for Lessons and Practice on Application.

declares that such a resolution could boarders had left her, but would leave not be enforced.

Mr. O'Boyle wanted the resolution passed and the question put to a test in court. This caused Mr. Chittenden to remark that the company is at present making the citizens a present of all transfers, saving them \$10,000 a month. It was foolish, he said, to court trouble. Such a thing might result in a withdrawal of transfers. Mr. Quinnan coincided with this view and said that there is very good reason to believe that the company could not be compelled to issue transfers because of the afternoon it had not agreed. the merger of the separate companies, whose franchises contained transfer provisions. The resolution was finally D. Dean, trustee, against Joseph Church re-committed to committee.

The following resolutions were introduced and passed: By Mr. Regan-Exonerating the Holy

Cross church from payment of a sewer issessment.

By Mr. Regan-Directing the director of public works to immediately repair Broadway, between Railroad avenue and First ayenuc, and Luzerne street between

the Delaware, Lackawanna and Western railroad and Railroad avenue. By Mr. Chittenden-Directing the director of public works to make provision in Nay Aug park for the establishment of a geological museum. By Mr. Nageli-Directing the director of public works to cause the erection of

a temporary bridge over the Roaring Brook at Ash street. By Mr. Oliver-Providing for a fire by drant at the corner of Luzerne and Flf-teenth streets, and exonerating the St. John's German Catholic church from the

payment of a paving assessment.

By Mr. Clemons-Providing for an inspection of Taylor avenue, between Olive and Vine streets by the joint streets and bridges committee, director of public works and superintendent of the bureau of engineering, for the purpose of devising some plan for changing the grade of

NEW ORDINANCES. New ordinances introduced and referred to the proper committees were

s follows: By Mr. Chittenden-Providing for the payment of the Earber Asphalt company for paving the intersection of Lacakawanna and Adams avenue.

By Mr. Nageli-Providing for the ercetion of four electric lights in the Tenth

ward. By Mr. Oliver-Providing for the an-By Mr. Clemons-Fixing the terms of

the tax collectors' bonds The ordinances providing for the con-Section E. Seventeenth sewer district. and providing for the annexation of the Reynolds tract were passed on third and final reading.

#### TRAVIS WAS NON-SUITED

Could Not Recover for a Colt Killed by a Bad Barbed Wire Fence. Singer Jury Out.

A non-suit was granted vesterday fternoon in the trespass case of Jesse consented to the construction of the carrying a revolver. line fence and thereby assumed the danger that went with it. For that Jones are positive it was a murder. reason the non-suit was granted. Attorney C. H. Soper appeared for the plaintiff, and Attorneys W. W. Baylor and C. Balentine for the defendants.
In court room No. 2, Judge Wheaton tried the case of Minnie C. Yarns against John Clune and Edward Neary for trespass. On September 15, 1900, the plaintiff rented from the defendant, John Clune, a house situate in Carbondale for \$13 per month. The plaintiff is a widow and kept boarders. In January she informed the defendant that year; term now open. For catalogue, she intended to move to Scranton; that she was unable to pay the rent, as her dent.

a stove as security for the rent. On January 27, 1901, she moved her goods to this city, but was arrested by Constable Fierstein on the charge of larceny and taken before Alderman Kasson. Following this, she sued Clune

and Neary for trespass. After a good part of the evidence was in yesterday,

the case was amicably settled. The case of Henry G. Singer against the Scranton Railway company was given to the jury yesterday morning at 10.30 o'clock and at adjourning hour in Attorney W. A. Wilcox was yesterday appointed referee in the case of A.

#### COURT HOUSE NEWS NOTES.

and others.

Judge Newcomb will hear testimony in sixteen divorce cases today. In the divorce case of Rudolph Warnke against Louise Warnke, a rule was grant-ed yesterday to show cause why the withdrawal for the request for a jury

trial should not be revoked. Frank Weisberger wants damages from the Wilkes-Barre and Scranton Railroad company and the Scranton Steel comfor injury done to his property in South Scranton by the Leckawanna river overflowing its banks. A. A. Chase

#### **MULLEN WAS MURDERED**

Proven Conclusively by Evidence Disclosed by Yesterday's Investigations-Kenley Arrested.

It is now as good as certain that John Mullen, of Pittston, the non-union miner, whose body was terribly mangled by a trolley car at Avoca, Wednesday night, was the victim of foul

Daniel Kenley, of Hughestown, Pittston, another non-union man, who was his companion that night, has been ar-

Suspicion that it was a murder and not a trolley accident, was aroused immediately, by the statement of the motorman that he saw blood on the body as his car was approaching it. and the statement of the watchman at the Heidelberg colliery that he heard sounds of a scuffle near that point just a few minutes before the car ran over the body.

Yesterday a large stone stained with blood was found near the scene, and fifty yards away a razor with blood on both sides of the blade was picked up from the grass. In Mullen's pocket was found an empty razor case. One of two men suspected of being the murderers was seen yesterday having a newly made gash on his face. He has not yet been found by the authorities.

It is supposed Mullen was attacked and defended himself with his razor, and that being outnumbered he was overpowered and his head crushed in with a stone.

Kenley was arrested mainly because of conflicting stories he has told. It is Travis against Mary E. Clark and thought, if he did not commit the mur Adelbert Clark. They own adjoining der himself, he knows who did. He and land at Benton, and in 1895 the Clarks Mullen were stoned by a crowd at put up a barbed wire line fence, one Smithville and continued together until that Attorney Soper characterized dur- near the point where the crime or ing the trial of the case as a fence that curred. There, according to Kenley's bit, gnawed and killed. Travis owned statement, he left Mullen and went on. colt which got its legs tangled up in This was only seven minutes before he fence, was thrown and broke its the car ran over Mullen's body. A very nip and had to be killed. A non-suit few minutes after this, Kenley was was asked on the ground that Travis seen passing the Heidelberg colliery,

Coroner Berge and County Detective

#### WYOMING SEMINARY.

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Special work: Character-building and preparation for college and business. Certificate received by colleges. Co-edu-Ample attention given to the ornamental branches. Superior dormitories, science hall, chapel, dining room, gymnasium and athletic field. A finely equipped preparatory school. \$200 a address L. L. Sprague, D. D., presi-

## THEY MET ON SATURDAY. BECAME ENGAGED TUESDAY

Mrs. A. J. Ulmer, of Easton, Fell in Love with Fred Smith the Handsome Waiter at the Scranton House-She Gave Him a \$5 Tip at the First Meal.

Romance with a little dash of the and believed she would like to have dventurous is attending the incidents him for a dear friend. leading up to a wedding which two strangers of last Saturday arranged or maybe it was that Fred was a good last Tuesday should take place next guesser, but be that what it might, Wednesday.

Among the entries made on the Scranton house register last Saturday at the Scranton house to take effect was "Mrs, Emma Phillips, Easton, next Tuesday, with the explanation she said, as she was here to transact married, and that he was to go to Eassome business in connection with a ton with her to take charge of her manufacturing industry in which she was interested.

She had the appearance of a woman of business. She has shown evidences Fred was saying was true. Furtherof being very business-like. ooking young man, is a waiter at the A. J. Ulmer; that she was widowed

Scranton house, and Saturday evening it fell to his lot to serve Mrs. Phillips her in possession of a plano factory in with supper. So pleased was Mrs. Phil- Easton and that she was not only welllips with Fred or his service that she to-do, but very wealthy. gave him a \$5 tip and asked that he serve her meals during her entire stay. The wedding it was arranged should serve her meals during her entire stay. At breakfast, Mrs. Phillips suggested The bride-elect spent Wednesday and that she would like to take a Sunday part of yesterday as the guest of the afternoon drive and wanted to know intended groom's samily in Petersburg. if the waiter could accompany her. He

certainly could and did. After driving him all about the mountain boulevards with the finest turnout she could engage, she took him back to the hotel and once more enjoyed a supper served at his hands. That night, Mrs. Phillips confided to informant there is no woman of any the maid who was attending to her name in Easton who owns a plano room that she was very fond of Fred factory.

Maybe the maid was indiscreet

enough to repeat some of this to Fred. Fred knocked off work Monday, took Mrs. Phillips out for a drive and Tues-She would stay for several days, that he and Mrs. Phillips were to be manufacturing interests,

Mrs. Phillips set all doubt at rest by telling to Proprietor Koch that all that more she told that she was traveling Fred Smith, of Petersburg, a good- in cog.; that her real name was Mrs. two years ago; that her husband left

The wedding it was arranged should and this morning will leave for Easton Inquiry made by The Tribune, last evening, at Easton brought the response that there is no "Mrs. A. J. Ulmer" in the city directory, and that no woman of that name is known there. As far as was known by The Tribune's

#### **ONE HUNDRED POINTS SCORED**

YESTERDAY WAS A BIG DAY IN THE TRIBUNE'S CONTEST.

Miss Jane Mathewson, of Factoryville; Lewis Bates, of Scranton; A. L. Clark, of Green Grove, and Arthur J. Thayer, of South Scranton, All Advanced-Thirteen Contestants Brought in Points-Fred K. Gunster Has a Good Lead for the First Special Honor Prize.

#### Standing of Contestants

A. J. Kellerman, Scranton.915 2. Charles Burns, Vandling. . 587

6. Herbert Thompson, Car-bondale .......446 7. Fred K. Gunster, Green

Ridge ...........406 8. Albert Freedman, Belle-9. J. A. Havenstrite, Mos-

L. E. Stanton, Scranton . . . 159 13. Harry Madden, Scranton. . 158 14. Hendrick Adams, Chin-

stead .......... 92
18. Miss Jane Mathewson, Factoryville ........ 86
19. Lewis Bates, Scranton .... 82

20. Don C. Capwell, Scranton. . 81 21. Fred Kibler, South Scran-22. William Cooper, Priceburg. 69 23. A. L. Clark, Green Grove. 50 24. Louis Gere, Brooklyn. . . . 49

25. Walter Hallstead, Scran-28. Grant M. Decker, Hall-

Ridge . . . . . . . . . . . 34 30. Elmer Williams, Elmhurst. 33 31. Hugh Johnston, Forest ton ...... 29

Yesterday ranks as one of the biggest days in The Tribune's Educational Contest, thirteen contestants scoring and an even one hundred points being brought in. The score in detail was as follows:

Miss Jane Mathewson...........12 Charles W. Dorsey......11 Lewis Bates ...... 9 William T. S. Rodriguez..... 9 Harry Madden ..... 8 A. J. Kellerman ..... 6 William Sherwood ...... 6 Herbert Thompson ..... Charles Burns ...... Arthur J. Thayer..... 2

vances in the table of leading contestants. Miss Jane Mathewson, of Fac toryville, advances one place: Lewis Bates, of Scranton, two: A. L. Clark, of Green Grove, three, and Arthur J. Thaver, of South Scranton, one, Nine of the first thirteen contestants scored and there is prospect of some important changes in the upper part of the able soon.

Mr. Gunster increased his lead for the first special honor prize and now holds first place by thirty-five points. Those below first place are very closely bunched. From now until Saturday, October 11, when the first prize will be awarded, the leading ten contestants will be published each morning. Since Mr. Kellerman has increased his lead so materially he is the favorite among those who are estimating on the result, the most of the figures given

#### **LEADERS FOR THE** SPECIAL HONOR PRIZE **FIVE DOLLARS IN GOLD**

for his score on the last day being in

the neighborhood of 1,200.

to the contestant scoring the largest number of points before 5 p. m., Saturday, October II.

4. Miss Jane Mathewson......12 Charles W. Dorsey......11 6. Lewis Bates ...... William T. S. Rodriguez ..... 10. L. E. Stanton.....

Take Throop or Carbondale car for soldiers' camp at Olyphant.

## Jersey Peaches

White Key Port 98 Cents and \$1.25 York State Grapes Fancy Concords, 15e Fancy Niagara, 20c Fancy Delaware, 25c

Special on Olives 29 Cents, worth 40c Boneless Sardines 25 Cents

#### C. T. A. U. ANNUAL PARADE. Will Be Held in the Central City on

October 10. The annual Father Mathew day paade will be held in this city on Friday, October 10, under the auspices of the St. Paul's Total Abstinence and Benevolent society of Green Ridge. The

proposed general parade in West Scranon has been abandoned. The parade will take place at 10 o'clock in the morning, and a picule vill be held in Sanderson's grove, Green Ridge, in the afternoon. A number of the local societies will hold smokers and socials in the evening.

The formation will include all the adult and cadet societies in the city, and an effort is being made to have a number of out-of-town societies in line. H. H. Dever, of St. John's society, 'apouse avenue, will be the grand marshal. Caterer John McLain, of Bellevue, has been awarded the contract to provide refreshments at the picnic.

#### LYMAN HAS BEEN LOCATED.

M. A. Lyman, the station agent for the Lackawanna railroad at Moscow, who so suddenly disappeared at noon on Wednesday, has been located, but his whereabouts are only known to a few, who will not disclose his hiding

It was learned yesterday that the checks, which he was supposed to have taken, were found among other papers at the depot. Some distance from the depot in a field were also found scraps of paper, parts of documents which he had evidently torn up. Before going away, Lyman borrowed \$150 from John Collagan, who keeps a store in Moscow. None of the railroad officials were able to give any information yesterday concerning him, and the exact amount of his shortage will not be known until the traveling freight and passenger auditors make their reports to the com-

### REDUCED RATES TO CLEVELAND.

Via Pennsylvania Railroad, Account General Missionary Convention of the Methodist Episcopal Church. On account of the General Mission-

ary convention of the Methodist Episcopal church, at Cleveland, Ohio, October 21 to 24, the Pennsylvania Railroad company will sell excursion tickets to Cleveland, October 20 and 21, good to return, leaving Cleveland until October 27, inclusive, from all stations on its lines, at reduced rates.

Take Throop or Carbondale car for soldiers' camp at Olyphant.

City and School Taxes 1902. The above tax duplicates are now in my hands for collection. F. S. BARKER, City Treasurer.

nent at Duryea Piano Tuning. H. K. Zerbe, 507 Prescott avenue. New 'phone 1954.

Take Duryea car to see Eighth regi-

Take Duryea car to see Eighth reginent at Duryea. FRUITED WHEAT with cream and

sugar-Why it melts in your mouth. \*\* Take Duryea car to see Eighth regiment at Duryea,

The ladies of the Second Presbyterian

thurch will serve a supper in the church pariors, Friday evening, comnencing at 6 o'clock.

oldiers' camp at Olyphant.

# FRIDAY SPECIAL. Men's Shoes, Per Pair.

Fine satin calf lace shoes,

Cornell cap toe, good heavy extension soles, perfected back stays, solid leather throughout. All sizes. Would be a splendid value at \$1.50. Friday only, \$1.00. One pair to a customer.

All Cars Transfer to

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ORANGE GUN POWDER REPAUNO CHEMICAL CO.'S HIGH EXPLOSIVES

First Prize—\$5.00 in Gold.

Next Three—\$1.00 each.

Next Two—50 cents each.

Next Four—25 cents each TOTAL-Ten Prizes, Ten Dollars.

> Friday, Oct. 3. I think the winner of The Trib-une's Educational Contest will be

[Cut out this lower coupon only.]



With every purchase of \$1 or

#### Nettleton's Shoe Store

FALL STYLES in Ladies' and Gents' Shoes at \$2.00, \$2.50, \$3.00 and \$3.50.

Good Oct. 3, 4 and 6. All cars pass the door. Trans-fer from Providence.

# The Title Trust Co.,

Will be pleased to receive deposits of money in any amount and pay liberal

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Third Vice-President and Treasurer Take Throop or Carbondale car for EXECUTIVE COMMITTEE.

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Steamers sail daily except Sunday from Pier 26, North River, foot of Beach street, New York. Tickets, including meals and stateroom accommodations, \$8.00 one way, \$13.60 round trip, and upwards.

OLD DOMINION STEAMSHIP CO. 81 Beach Street, New York, N. Y. H. B. WALKER,

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Ten Dollars for Guesses

Who can name the winner in The Tribune's Educational Contest and tell the number of points he or she will have?

Cut out the coupon below, fill it in, and send to "Scranton Tribune, Scran-ton, Pa., Guessing Contest."

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134 N. WASHINGTON AVE. Opposite Connell Building.

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Open an account with us.

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Also a full line of Brushes

